

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 6 has been canceled without prejudice or disclaimer of the subject matter contained therein. Claims 1, 7 and 11 have been amended. Claims 14-17 have been added. Claims 8-10 and 12-13 are withdrawn from consideration. Thus, claims 1-4, 7, 11, 14-17 are pending in the present application, of which claims 1 and 11 are independent.

Approval of Drawings Requested

Drawings were submitted on December 3, 2003. To date, no official indication of approval of the drawings has been noted in the prosecution history. The undersigned has no reason to believe that this circumstance implies anything other than a minor oversight on the part of the USPTO. Accordingly, official approval of the drawings is hereby respectfully requested.

Claim Rejection Under 35 U.S.C. §112

Claims 1-7 and 11 are rejected under 35 U.S.C. §112, first paragraph as being failing to comply with the written description requirement. In particular, the Office Action asserts that the original disclosure fails to disclose where the interface devices negotiates using the first, second, and third information to determine a transmission rate (and subsequently changes the operation speed according to the determination rate), where the interface devices store in a register first information of a transmission capacity of the interface device itself, second information of a transmission rate that is presently possible, and third information of a transmission rate to be switched to next. However, these features or limitations are supported for example at Figs. 1, 2, 3, and 7 and their explanations in the present specification. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

Claims 1-3, 11 are rejected under 35 U.S.C. §103(a) as being unpatentable over IEEE Std 802.3u-1995 (hereinafter D1) in view of Tetsushi (US 6,198,820).

INDEPENDENT CLAIM 1

As an example, independent amended claim 1 recites (among other things) a feature of "the register stores information for a mode for maintaining the present transmission rate after a

bus reset, which occurs after data transmission according to the determined transmission rate, or information for a mode for switching to a transmission rate enabling a minimum speed transmission operation after the bus reset, as fourth information" and "the fourth information is transferred to the further device from the interface device during the negotiation". As will be explained below, at least this feature of claim 1 is a distinction over D1, and thus over its combination with Tetsushi.

The Examiner alleged that D1 and Tetsushi disclose the invention of claim 1. However, D1 is silent about at least the feature of amended claim 1 recited above. Hence, the noted feature of amended claim 1, namely "the register stores information for a mode for maintaining the present transmission rate after a bus reset, which occurs after data transmission according to the determined transmission rate, or information for a mode for switching to a transmission rate enabling a minimum speed transmission operation after the bus reset, as fourth information" and "the fourth information is transferred to the further device from the interface device during the negotiation", is a distinction over D1. Tetsushi also does not teach or suggest at least aforementioned feature of amended claim 1. Hence, the noted feature of amended claim 1 also is a distinction over Tetsushi.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of amended claim 1 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis amended claim 1. Claims 2 and 3 ultimately depend from amended claim 1, and so at least similarly distinguishes over the asserted combination of references.

INDEPENDENT CLAIM 11

As an example, independent amended claim 11 recites (among other things) a feature of "registering the first, second, and third information includes registering information for a mode for maintaining the present transmission rate after a bus reset, which occurs after data transmission according to the determined transmission rate, or information for a mode for switching to a transmission rate enabling a minimum speed transmission operation after the bus reset, as fourth information", and "the fourth information is transferred to other devices from the at least one of the plurality of devices during the negotiation". As will be explained below, at least this feature of claim 11 is a distinction over D1, and thus over its combination with Tetsushi.

The Examiner alleged that D1 and Tetsushi disclose the invention of claim 11. However, D1 is silent about at least the feature of amended claim 11 recited above. Hence, the noted feature of amended claim 11, namely "registering the first, second, and third information includes registering information for a mode for maintaining the present transmission rate after a bus reset, which occurs after data transmission according to the determined transmission rate, or information for a mode for switching to a transmission rate enabling a minimum speed transmission operation after the bus reset, as fourth information" and "the fourth information is transferred to other devices from the at least one of the plurality of devices during the negotiation", is a distinction over D1. Tetsushi also does not teach or suggest at least aforementioned feature of amended claim 11. Hence, the noted feature of amended claim 11 also is a distinction over Tetsushi.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of amended claim 11 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis amended claim 11.

In view of the foregoing discussion, the rejection of claims 1-3 and 11 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

Claim 4 is rejected under 35 U.S.C. §103(a) as being unpatentable over by D1 in view of Tetsushi (US 6,198,820), further in view of Domon et al (US 6,950,408 B1 hereinafter "Domon").

Claim 4 depends from independent amended claim 1. According to aforementioned disquisition, neither D1 nor Tetsushi teach or suggest at least aforementioned feature of amended claim 1. Domon also does not teach or suggest at least aforementioned feature of amended claim 1. Hence, at least the noted feature of amended claim 1 also is a distinction over Domon.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of amended claim 1 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis amended claim 1. Claim 4 ultimately

depends from amended claim 1, and so at least similarly distinguishes over the asserted combination of references.

In view of the foregoing discussion, the rejection of claim 4 is improper. Accordingly, withdrawal of the rejection is respectfully requested.

Claim Rejection Under 35 U.S.C. §103

Claims 5 and 6 are rejected under 35 U.S.C. §103(a) as being unpatentable over D1 in view of Tetsushi (US 6,198,820), further in view of Cook et al (5,504,757 hereinafter "Cook").

Since claims 5 and 6 have been canceled, withdrawal of the rejection is respectfully requested.

Furthermore, on page 15 in this Office Action, it is respectively pointed out that the Examiner states that Cook discloses the invention of claim 7 although claim 7 is not rejected under 35 U.S.C. §103(a) as being unpatentable over D1 in view of Tetsushi, further in view of Cook. However, claim 7 is discussed as follows. Claim 7 has been amended to depend from independent amended claim 1. According to aforementioned disquisition, neither D1 nor Tetsushi teach or suggest at least aforementioned feature of amended claim 1. Cook also does not teach or suggest at least aforementioned feature of amended claim 1. Rather, Cook discusses determining a speed in accordance with ID. Hence, at least the noted feature of amended claim 1 also is a distinction over Cook.

Among other things, a *prima facie* case of obviousness must establish that the asserted combination of references teaches or suggests each and every element of the claimed invention. In view of the distinction of amended claim 1 noted above, at least one claimed element is not present in the asserted combination of references. Hence, the Office Action fails to establish a *prima facie* case of obviousness vis-à-vis amended claim 1. Amended claim 7 ultimately depends from amended claim 1, and so at least similarly distinguishes over the asserted combination of references.

New Claims

Again, new claims 14-17 have been added. Claims 14 and 15 depend from amended claim 1. Claims 16 and 17 depend from amended claim 11. Distinguishing feature of claims 1 and 11 has been noted above.

CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,
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